

109TH CONGRESS
1ST SESSION

S. 1491

To amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2005

Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ALLEN, and Mr. SANTORUM) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chesapeake Bay Wa-
5 tershed Nutrient Removal Assistance Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) nutrient pollution from point sources and
9 nonpoint sources continues to be the most signifi-

1 cant water quality problem in the Chesapeake Bay
2 watershed;

3 (2) a key commitment of the Chesapeake 2000
4 agreement, an interstate agreement among the Ad-
5 ministrator, the Chesapeake Bay Commission, the
6 District of Columbia, and the States of Maryland,
7 Virginia, and Pennsylvania, is to achieve the goal of
8 correcting the nutrient-related problems in the
9 Chesapeake Bay by 2010;

10 (3) by correcting those problems, the Chesa-
11 peake Bay and its tidal tributaries may be removed
12 from the list of impaired bodies of water designated
13 by the Administrator of the Environmental Protec-
14 tion Agency under section 303(d) of the Federal
15 Water Pollution Control Act (33 U.S.C. 1313(d));

16 (4) more than 300 major sewage treatment
17 plants located in the Chesapeake Bay watershed an-
18 nually discharge approximately 60,000,000 pounds
19 of nitrogen, or the equivalent of 20 percent of the
20 total nitrogen load, into the Chesapeake Bay; and

21 (5) nutrient removal technology is 1 of the most
22 reliable, cost-effective, and direct methods for reduc-
23 ing the flow of nitrogen from point sources into the
24 Chesapeake Bay.

25 (b) PURPOSES.—The purposes of this Act are—

1 (1) to authorize the Administrator of the Envi-
 2 ronmental Protection Agency to provide financial as-
 3 sistance to States and municipalities for use in up-
 4 grading publicly-owned wastewater treatment plants
 5 in the Chesapeake Bay watershed with nutrient re-
 6 moval technologies; and

7 (2) to further the goal of restoring the water
 8 quality of the Chesapeake Bay to conditions that are
 9 protective of human health and aquatic living re-
 10 sources.

11 **SEC. 3. SEWAGE CONTROL TECHNOLOGY GRANT PROGRAM.**

12 The Federal Water Pollution Control Act (33 U.S.C.
 13 1251 et seq.) is amended by adding at the end the fol-
 14 lowing:

15 **“TITLE VII—MISCELLANEOUS**

16 **“SEC. 701. SEWAGE CONTROL TECHNOLOGY GRANT PRO-**
 17 **GRAM.**

18 “(a) DEFINITION OF ELIGIBLE FACILITY.—In this
 19 section, the term ‘eligible facility’ means a municipal
 20 wastewater treatment plant that—

21 “(1) as of the date of enactment of this title,
 22 has a permitted design capacity to treat an annual
 23 average of at least 500,000 gallons of wastewater
 24 per day; and

1 “(2) is located within the Chesapeake Bay wa-
 2 tershed in any of the States of Delaware, Maryland,
 3 New York, Pennsylvania, Virginia, or West Virginia
 4 or in the District of Columbia.

5 “(b) GRANT PROGRAM.—

6 “(1) ESTABLISHMENT.—Not later than 1 year
 7 after the date of enactment of this title, the Admin-
 8 istrator shall establish a program within the Envi-
 9 ronmental Protection Agency to provide grants to
 10 States and municipalities to upgrade eligible facili-
 11 ties with nutrient removal technologies.

12 “(2) PRIORITY.—In providing a grant under
 13 paragraph (1), the Administrator shall—

14 “(A) consult with the Chesapeake Bay
 15 Program Office;

16 “(B) give priority to eligible facilities at
 17 which nutrient removal upgrades would—

18 “(i) produce the greatest nutrient load
 19 reductions at points of discharge; or

20 “(ii) result in the greatest environ-
 21 mental benefits to local bodies of water
 22 surrounding, and the main stem of, the
 23 Chesapeake Bay; and

24 “(iii) take into consideration the geo-
 25 graphic distribution of the grants.

1 “(3) APPLICATION.—

2 “(A) IN GENERAL.—On receipt of an ap-
3 plication from a State or municipality for a
4 grant under this section, if the Administrator
5 approves the request, the Administrator shall
6 transfer to the State or municipality the
7 amount of assistance requested.

8 “(B) FORM.—An application submitted by
9 a State or municipality under subparagraph (A)
10 shall be in such form and shall include such in-
11 formation as the Administrator may prescribe.

12 “(4) USE OF FUNDS.—A State or municipality
13 that receives a grant under this section shall use the
14 grant to upgrade eligible facilities with nutrient re-
15 moval technologies that are designed to reduce total
16 nitrogen in discharged wastewater to an average an-
17 nual concentration of 3 milligrams per liter.

18 “(5) COST SHARING.—

19 “(A) FEDERAL SHARE.—The Federal
20 share of the cost of upgrading any eligible facil-
21 ity as described in paragraph (1) using funds
22 provided under this section shall not exceed 55
23 percent.

24 “(B) NON-FEDERAL SHARE.—The non-
25 Federal share of the costs of upgrading any eli-

1 gible facility as described in paragraph (1)
 2 using funds provided under this section may be
 3 provided in the form of funds made available to
 4 a State or municipality under—

5 “(i) any provision of this Act other
 6 than this section (including funds made
 7 available from a State revolving fund es-
 8 tablished under title VI); or

9 “(ii) any other Federal or State law.

10 “(c) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) IN GENERAL.—There is authorized to be
 12 appropriated to carry out this section \$132,000,000
 13 for each of fiscal years 2006 through 2010, to re-
 14 main available until expended.

15 “(2) ADMINISTRATIVE COSTS.—The Adminis-
 16 trator may use not to exceed 4 percent of any
 17 amount made available under paragraph (1) to pay
 18 administrative costs incurred in carrying out this
 19 section.”.

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